

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BEN & JERRY'S HOMEMADE, INC.,
CLASS I DIRECTORS OF BEN & JERRY'S
INDEPENDENT BOARD,

Plaintiffs,

v.

UNILEVER PLC AND CONOPCO, INC.,

Defendants.

Case No. 1:24-cv-08641-PKC

**DEFENDANTS UNILEVER PLC'S AND CONOPCO, INC.'S NOTICE
OF MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants Unilever PLC's and Conopco, Inc.'s ("**Defendants**") Motion to Dismiss Plaintiffs' Second Amended Complaint, Defendants hereby move this Court for an Order (a) dismissing the Second Amended Complaint ("**SAC**") in its entirety as brought in the name of Ben & Jerry's Homemade, Inc.; (b) dismissing the breach of contract claim (Count I) pursuant to Rule 12(b)(6), or, if Count I is not dismissed, dismissing the declaratory judgment claim (Count II) as duplicative of the breach of contract claim; (c) dismissing the declaratory judgment (Count II) as it relates to censorship of past posts because such a claim serves no useful purpose; (d) dismissing the second declaratory judgment claim regarding payments to Canaan Fair Trade (Count III) pursuant to Rule 12(b)(1); and (e) dismissing the third declaratory judgment claim regarding the Spin-Off and CEO removal (Count IV) pursuant to Rule 12(b)(1) or Rule 12(b)(6), and for such other and further relief as the Court deems just and appropriate.

Dated: April 25, 2025
New York, NY

Respectfully submitted,

/s/ David J. Lender

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